UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,378	10/20/2003	Henry Harlyn Baker	200315149-1	6548

22879 7590 09/07/2010

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER	
KUNDU, SUJOY K	
ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/690,378
Filing Date: October 20, 2003
Appellant(s): BAKER, HENRY HARLYN

Ashok K. Mannava
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/07/2010 appealing from the Office action mailed 02/19/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-53 are pending, of which claims 18-31 and 49-53 were non-elected and withdrawn from consideration.

Claims 1-17 and 32-48 were elected for consideration.

Claims 1-14, 16, 17, 32-45, 47 and 48 stand rejected.

Claims 15 and 46 are objected to.

Claims 1-14, 16, 17, 32-45, 47, and 48 are appealed.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

4307377	Pferd et al.	12-1981
4896082	Geiger	1-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 16-17 and 32-45, 47-48 are rejected under 35 U.S.C. 103(a) as being anticipated by Pferd et al. (US 4,307,377) in view Geiger (4,896,082).

With regards to Claims 1, 16-17, 32, and 47-48, Pferd teaches a method of calibrating an objective, comprising:

receiving the objective over a raster-organized surface having both image display and image acquisition modalities (Figure 1, 70, Column 3, Lines 59-62);

positioning a calibration model before the objective and the raster-organized surface in preparation for acquiring images of the calibration model (Claim1);

receiving images of the calibration model through the objective and onto raster-organized surface in an acquisition mode (Figure 1, 80, Column 3, Lines 50-55);

identifying optical characteristics of objective through a comparison of received images of the calibration model (Column 2,Lines 62-68).

Pfred is silent with regards wherein the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively.

Geiger teaches wherein the raster-organized surface comprises emitting elements ("index device") and sensing elements ("photosensitive elements") to perform the image display and image acquisition modalities respectively (Abstract, Column 4, Line 63 – Column 5, Line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively as taught by Geiger into Pfred for the purpose of accurately correcting the formed image.

With regards to Claim 2, 33, Pferd teaches the method further comprising: recording a calibration vector corresponding to the objective that compensates for optical characteristics of the objective during both display and acquisition modes (Column 4, Lines 1-3).

With regards to Claim 3, 34, Pferd teaches the method wherein the calibration vector is stored in a storage area associated with the objective (Column 4, Lines 1-3).

With regards to Claim 4, 35, Pferd is silent with regards to wherein the calibration vector corresponding to the objective is stored on a storage device selected from a set of storage devices including: a CD-ROM, a DVD, a magnetic-tape, a floppy disc and a flash memory device. However, Pferd does teach the calibration vector is stored in a storage area associated with the objective (Column 4, Lines 1-3). Although, Pferd is silent with regards to specific storage devices, absent a lack of criticality, Pferd does teach the general use of a storage device.

With regards to Claim 5, 36, Pferd teaches the method wherein the objective is comprised of one or more lenslets that refract light in two dimensions (Figure 1, Column 3, Lines 33-49).

With regards to Claim 6, 9, 37, 40, Pferd teaches the method wherein the one or more lenslets are organized in a monolithic array configuration (Figure 1, Column 3, Lines 33-49).

With regards to Claim 7, 10, 38, 41, Pferd teaches the method wherein the lenslets in the monolithic array are organized into arrays selected from a set of shapes

including a square shape, a hexagonal shape and a random shape (Figure 1, 60, Column 3, Lines 33-49).

With regards to Claim 8, 11, 39, 42 Pferd, teaches the method wherein the lenslets facilitate autostereoscopic display when the raster organized surface operates in the image display modality (Column 9, Lines 50-57).

With regards to Claim 12, 43 Pferd teaches the method wherein the raster oriented surface is comprised of adjacent emitting elements and sensing elements to perform the image display and image acquisition modalities respectively (Column 9, Lines 27-57).

With regards to Claim 13, 44, Pferd teaches the method wherein the emitting elements are selected from a set including liquid crystal display (LCD), light emitting diode (LED), and other components, and the sensing elements include photoreceptors (Figure 1).

With regards to Claim 14, 45, Pferd teaches the method wherein the raster oriented surface is comprised of dual-purpose elements configured to perform both image display and image acquisition modalities under a control (Column 9, Lines 27-57).

Pfred is silent with regards wherein the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively.

Geiger teaches wherein the raster-organized surface comprises emitting elements (“index device”) and sensing elements (“photosensitive elements”) to perform

the image display and image acquisition modalities respectively (Abstract, Column 4, Line 63 – Column 5, Line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively as taught by Geiger into Pfred for the purpose of accurately correcting the formed image.

Allowable Subject Matter

Claim 15 and 46 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(10) Response to Argument

Appellant argues that the rejection of claims 1, 32, and 48, the Examiner admits that Pferd fails to teach or suggest the claimed features "wherein a raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively." The Examiner then asserts that Geiger teaches the “wherein a raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively."

The Examiner respectfully disagrees with the appellant. Examiner does not ever admit that the Pferd reference "fails to teach or suggest" that the claimed features are not taught. Examiner concludes that the reference is "silent" (Page 2 Final Rejection)

with regards to the limitation of "wherein a raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively."

Regardless, Geiger does teach the "wherein a raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively."

Appellant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). In this instance, Geiger teaches a raster-organized surface as shown in Figure 3, it comprises emitting elements which comprise of index strips (Figure 3, 22 and 32). Column 4, Lines 56-60 specifically says:

Index strips 22 and 32 may be formed by corresponding pair of light emitting layers in the corresponding margins of coat 20. When either layer 22 or 32 is hit by the electron beam, it emits light.

Additionally, Geiger teaches photosensitive elements shown in Figure 3, parts 4, 5, and Column 4, Lines 63-68.

Raster broadly interpreted is reconstruction of patterns or pixels to recreate images. According to Geiger, the "index strip of a sensor is arranged at a corresponding margin of a picture producing screen of the cathode ray tube," thus it aids in performing image display. One ordinary skilled in the art would know that when dealing with raster correction, one would need sensing elements in order to aid in image acquisition. Without photosensitive elements it would not be possible to have image acquisition. In this case, sensing elements would be needed to in order to create an image. Therefore, with the index strips and photosensitive elements, as taught by Geiger teach, the raster-organized surface comprises emitting elements and sensing elements to perform the image display and image acquisition modalities respectively.

Appellant further argues in the rejection of claims 1, 32, and 48, that the Examiner asserts that Pferd discloses the comparison of the received images in col. 2, lines 62-68 (See Final Office Action, page 2). That assertion is respectfully traversed. Pferd discloses in col. 2, lines 62-68 that the detection circuitry generates light values in the form of" gray levels." Thus, in Fig. 2, Pferd discloses a "thresholding" 11 that converts the gray level information into binary (black and white) signals by comparing the gray level information from the scanner with a "chosen threshold" (See col. 4, lines

15-20). As such, Pferd discloses a comparison of the scanned images with a threshold. However, Pferd does not compare the scanned images with other scanned images.

Examiner respectfully disagrees with appellant as the thresholding in this case is a comparison between the received images. Without thresholding one ordinary skilled in the art would not be able to make a comparison of the received image. With regards to the threshold being chosen, the chosen portion is not by a user but in fact because the thresholding is done by a machine it must convert the images into white or black. (binary), thus the threshold would be “0” for white and "1” for black as shown in Column 4, Lines 15-20.

In response to appellant’s argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sujoy K Kundu/

Primary Examiner, Art Unit 2863

Conferees:

Drew A. Dunn
/Drew A. Dunn/
Supervisory Patent Examiner, Art Unit 2863

/Michael J Sherry/

Quality Assurance Specialist, TC 2800